



Office of the General Counsel

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April 18, 1997

Secretary  
Federal Communications Commission  
1919 M Street, N.W.  
Washington, D.C. 20036

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Federal Communications Commission  
Office of Secretary

***Ex Parte Filing***

Re: In the Matter of  
Federal-State Joint Board on Universal Service;  
CC Docket No. 96-45

Dear Mr. Secretary:

The United States Catholic Conference ("USCC") respectfully submits this ex parte informal comment in the above-referenced rulemaking. The USCC and others urged in their comments on the Federal-State Joint Board recommendations, filed December 19, 1996, that the Commission take into account the new welfare law<sup>1</sup> as it develops methods of determining who is eligible for Lifeline programs. The USCC here provides information on how the new welfare law changes eligibility for federal, state and local assistance programs. We urge the Commission to peg eligibility to Lifeline programs on those federal, state, and local assistance programs which are available to citizens and non-citizens alike. The Commission should take care not to tie eligibility for Lifeline programs only to state-sponsored welfare programs such as Medicaid or Temporary Assistance to Needy Families ("TANF"), which, under the new welfare law, must exclude most non-citizens.

Substantial numbers of legal immigrants would be ineligible for Lifeline services if eligibility were made dependent on eligibility for TANF or Medicaid. Eligibility criteria for Lifeline affects substantial numbers of legal immigrants. Close to a million legal immigrants will now be ineligible for food stamps, 500,000 for supplemental security income, 635,000 (by fiscal year 2002) for non-emergency Medicaid, and 420,000 for TANF.<sup>2</sup> Immigrants, however, continue to be eligible for some federal and state programs aimed at needy persons. Different categories on non-citizens and the programs for which they are eligible are described in separate categories below.

**I. Federal Programs - Who is Eligible**

**A. Category 1: "Qualified Aliens":**

Immigrants defined as "qualified aliens," § 431(b) of the Welfare Act, who entered the

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<sup>1</sup> See the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, P.L. 104-193.

<sup>2</sup> National Immigration Law Center, *Immigrants and the '96 Welfare Law* (1996).

United States before August 22, 1996, continue to be eligible for federal, state or local public benefits, defined as any retirement, welfare, health or disability benefits; public or assisted housing, post-secondary education; food assistance; and unemployment benefits. Qualified aliens are defined as an alien lawfully admitted for permanent residence, an asylee, a refugee, an alien paroled into the United States for at least one year, an alien whose deportation is being withheld or an alien granted conditional entry (including an alien who has been battered or subject to extreme cruelty by a spouse, or a parent whose child has been battered or subject to extreme cruelty by the alien's spouse). Immigrants who are eligible for federal or state-administered programs aimed at needy persons should be eligible for Lifeline services as are citizens.

**B. Category 2: Qualified Aliens Who Enter After August 22, 1996:**

Qualified aliens who enter the United States on or after August 22, 1996 are not eligible for federal means-tested public benefit for five years, commencing on the date of entry, but are eligible for other programs which fill human needs. This category of aliens includes those admitted for permanent residence, those paroled into the United States for at least one year, aliens granted conditional entry and Cuban and Haitian entrants.

These persons, however, are eligible for the following programs: emergency medical assistance, short-term disaster relief, assistance under the National School Lunch Act and Child Nutrition Act, public health assistance for immunizations and communicable disease testing, foster care and adoption assistance, student assistance, means tested programs under the Elementary and Secondary Education Act, Head Start benefits, benefits under the Job Training Partnership Act, and programs designated by the Attorney General, which provide in-kind assistance, are delivered at the community level, which do not base eligibility on an applicants' income or resources and which protect life or safety. The Attorney General has designated programs which include short-term shelter and housing, assistance for the homeless, violence protection programs, soup kitchens, community food banks and other nutrition programs, and medical and public health services.

This category of alien is also eligible to receive benefits under Title II of the Social Security Act - Retirement, Disability and Medicare Part B (medical insurance), if the person worked for 10 years during which his/her employer withheld FICA taxes and paid them into the worker's social security account.

**C. Category 3: Non-qualified Aliens:**

Non-qualified aliens also are eligible for the same programs for which qualified aliens who entered the United States after August 22, 1996 are eligible. Immigrants who are eligible for these programs should indicate eligibility for Lifeline services also.

**II. State Programs**

**A. Category 1: Qualified Aliens:**

All state public benefits are available to qualified aliens, defined as refugees, asylees and

aliens granted withholding of deportation within the five years after having been granted such status, lawful permanent residents who have worked for 40 qualifying quarters (about 10 years) or the children of such persons, and lawful resident aliens who are veterans are on active duty (and spouse and children).

**B. Category 2: Non-qualified Aliens:**

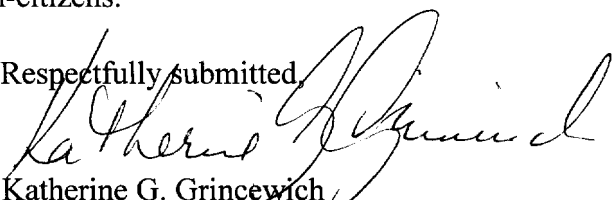
The new welfare law requires states to deny their benefits to non-qualified aliens (all non-citizens except those in category 1, above) unless the state enacts a law providing eligibility after August 22, 1996. However, even non-qualified aliens are eligible for the same fundamental services described under the federal programs sections - emergency medical assistance, short-term non-cash in-kind emergency disaster relief, immunizations and communicable disease treatment and testing, and programs specified by the Attorney General (see the description of these programs under Federal Programs - Category 2). The Commission should take these state eligibility laws into account as it defines classes of persons eligible for Lifeline services.

**III. Charitable, Nonprofit Organizations.**

The new welfare law potentially offers another method of determining eligibility for Lifeline services. Under the new law, nonprofit charitable organizations which provide state and federal public benefits (such as school lunch programs, housing assistance, and nutrition programs) can offer these educational, health and social service benefits without themselves verifying citizenship status. The interpretation of this provision currently is the subject of a regulatory proceeding at the Department of Justice. We urge the Commission to examine the new regulations interpreting this important provision when they are issued by the Department of Justice.

The USCC urges the Commission to make eligibility for Lifeline service dependent on eligibility for assistance programs which include non-citizens.

Respectfully submitted,



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